



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

June 19, 2013

Secretary John E. Skvarla, III  
North Carolina Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Dear Mr. Skvarla,

The U.S. Fish and Wildlife Service (Service) has been following with interest the proposed changes to solid waste management legislation in North Carolina (Senate Bill 328, Solid Waste Reform Act of 2013). We are the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. To meet that mission, one of our important responsibilities is managing the 95- million-acre National Wildlife Refuge System, which encompasses 547 national wildlife refuges (NWR). Eleven NWRs are located in North Carolina, comprising over 400,000 acres of habitat for our nation's wildlife. Of those refuges, six are located within five miles of operational and closed landfills.

In 2006, during a landfill construction moratorium authorized by the North Carolina General Assembly based on the potential impacts of large new landfills proposed at that time, the Department of Environment and Natural Resources (Department) solicited technical input from our office regarding mechanisms to prevent or minimize potential impacts of landfills to environmentally-sensitive areas. Our staff also provided technical information to the Senate Agriculture, Environment, and Natural Resources Committee and the House Committee on Environment and Natural Resources during the "605" stakeholder process for the Solid Waste Management Act of 2007 (SWMA, Senate Bill 1492). That input (attached, and available at [http://www.fws.gov/raleigh/Landfill\\_Buffers.html](http://www.fws.gov/raleigh/Landfill_Buffers.html)) conveyed the technical basis for a 5-mile protective buffer around NWRs in the final SWMA and provided evidence of documented impacts to North Carolina NWR resources from landfills that have already occurred. This buffer recommendation was not arbitrary; instead, it is based on the science regarding potential offsite landfill impacts, precedent in other states, and professional judgment of contaminant specialists in our office with a combined 24 years of experience. We are providing this information again for your use in providing scientifically sound input to the legislative process.

Thank you for your consideration in this matter. Should you have any questions or require further assistance, please feel free to call me at (919) 856-4520, extension 11, or Sara Ward of my staff at extension 30.

Sincerely,

Pete Benjamin  
Ecological Services Supervisor

Attachment

Benjamin, P. 2007. Letter to Mr. George Givens, NC General Assembly Counsel, from Mr. Peter Benjamin, USFWS Field Supervisor re. basis for 5-mile protective buffer for National Wildlife Refuges and supporting materials.

cc:

Mitch Gillespie, NC DENR, Assist. Sec. for Environment, Raleigh, NC  
Dexter Matthews, Director, NC Division of Waste Management, Raleigh, NC  
Phil Berger, NC Senate President Pro Tempore, Raleigh, NC  
Thom Tillis, NC Speaker of the House, Raleigh, NC  
Representative Pat McElraft, House Environment Committee Chair, Raleigh, NC  
Representative Roger West, House Environment Committee Chair, Raleigh, NC  
Representative Julia C. Howard, House Finance Committee Senior Chair, Raleigh, NC  
Chris Lowie, Manager, FWS, Great Dismal Swamp NWR, Suffolk, VA  
Mike Hoff, Manager, FWS, Mackay Island and Currituck NWRs, Knotts Island, NC  
Mike Bryant, Manager, FWS, Alligator River and Pea Island NWRs, Manteo, NC  
Howard Phillips, Manager, FWS, Pocosin Lakes NWR, Columbia, NC  
Pete Campbell, Manager, FWS, Mattamuskeet, Swanquarter, and Cedar Island NWRs,  
Swan Quarter, NC  
Matt Connolly, Manager, FWS, Roanoke River NWR, Windsor, NC  
Jeffrey Bricken, Manager, FWS, Pee Dee NWR, Wadesboro, NC